

**SHB 2346 - S AMD 514**

By Senators Hargrove, Regala and Stevens

PULLED 4/25/2009

1 Strike everything after the enacting clause and insert the  
2 following:

3  
4 **Sec. 1.** RCW 13.32A.130 and 2000 c 162 s 13 are each  
5 amended to read as follows:

6 (1) A child admitted to a secure facility located in a juvenile  
7 detention center shall remain in the facility for at least twenty-four  
8 hours after admission but for not more than five consecutive days.  
9 ~~((If the child admitted under this section is transferred between~~  
10 ~~secure and semi-secure facilities, the aggregate length of time spent~~  
11 ~~in all such centers or facilities may not exceed five consecutive days~~  
12 ~~per admission))~~ A child admitted to a secure facility not located in a  
13 juvenile detention center or a semi-secure facility may remain for not  
14 more than fifteen consecutive days. If a child is transferred between  
15 a secure and semi-secure facility, the aggregate length of time a  
16 child may remain in both facilities shall not exceed fifteen  
17 consecutive days per admission, and in no event may a child's stay in  
18 a secure facility located in a juvenile detention center exceed five  
19 days per admission.

20 (2)(a)(i) The facility administrator shall determine within  
21 twenty-four hours after a child's admission to a secure facility  
22 whether the child is likely to remain in a semi-secure facility and  
23 may transfer the child to a semi-secure facility or release the child  
24 to the department. The determination shall be based on: (A) The need  
25 for continued assessment, protection, and treatment of the child in a  
26 secure facility; and (B) the likelihood the child would remain at a  
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1 semi-secure facility until his or her parents can take the child home  
2 or a petition can be filed under this title.

3 (ii) In making the determination the administrator shall consider  
4 the following information if known: (A) The child's age and maturity;  
5 (B) the child's condition upon arrival at the center; (C) the  
6 circumstances that led to the child's being taken to the center; (D)  
7 whether the child's behavior endangers the health, safety, or welfare  
8 of the child or any other person; (E) the child's history of running  
9 away; and (F) the child's willingness to cooperate in the assessment.

10 (b) If the administrator of a secure facility determines the child  
11 is unlikely to remain in a semi-secure facility, the administrator  
12 shall keep the child in the secure facility pursuant to this chapter  
13 and in order to provide for space for the child may transfer another  
14 child who has been in the facility for at least seventy-two hours to a  
15 semi-secure facility. The administrator shall only make a transfer of  
16 a child after determining that the child who may be transferred is  
17 likely to remain at the semi-secure facility.

18 (c) A crisis residential center administrator is authorized to  
19 transfer a child to a crisis residential center in the area where the  
20 child's parents reside or where the child's lawfully prescribed  
21 residence is located.

22 (d) An administrator may transfer a child from a semi-secure  
23 facility to a secure facility whenever he or she reasonably believes  
24 that the child is likely to leave the semi-secure facility and not  
25 return and after full consideration of all factors in (a)(i) and (ii)  
26 of this subsection.

27 (3) If no parent is available or willing to remove the child  
28 during the first seventy-two hours following admission, the department  
29 shall consider the filing of a petition under RCW 13.32A.140.

30 (4) Notwithstanding the provisions of subsection (1) of this  
31 section, the parents may remove the child at any time (~~during the~~  
32 ~~five day period~~) unless the staff of the crisis residential center  
33 has reasonable cause to believe that the child is absent from the home  
34 because he or she is abused or neglected or if allegations of abuse or

1 neglect have been made against the parents. The department or any  
2 agency legally charged with the supervision of a child may remove a  
3 child from a crisis residential center at any time after the first  
4 twenty-four-hour period after admission has elapsed and only after  
5 full consideration by all parties of the factors in subsection (2)(a)  
6 of this section.

7 (5) Crisis residential center staff shall make reasonable efforts  
8 to protect the child and achieve a reconciliation of the family. If a  
9 reconciliation and voluntary return of the child has not been achieved  
10 within forty-eight hours from the time of admission, and if the  
11 administrator of the center does not consider it likely that  
12 reconciliation will be achieved within (~~the five day period~~) five  
13 days of the child's admission to the center, then the administrator  
14 shall inform the parent and child of: (a) The availability of  
15 counseling services; (b) the right to file a child in need of services  
16 petition for an out-of-home placement, the right of a parent to file  
17 an at-risk youth petition, and the right of the parent and child to  
18 obtain assistance in filing the petition; (c) the right to request the  
19 facility administrator or his or her designee to form a  
20 multidisciplinary team; (d) the right to request a review of any out-  
21 of-home placement; (e) the right to request a mental health or  
22 chemical dependency evaluation by a county-designated professional or  
23 a private treatment facility; and (f) the right to request treatment  
24 in a program to address the child's at-risk behavior under RCW  
25 13.32A.197.

26 (6) At no time shall information regarding a parent's or child's  
27 rights be withheld. The department shall develop and distribute to  
28 all law enforcement agencies and to each crisis residential center  
29 administrator a written statement delineating the services and rights.  
30 The administrator of the facility or his or her designee shall provide  
31 every resident and parent with a copy of the statement.

32 (7) A crisis residential center and any person employed at the  
33 center acting in good faith in carrying out the provisions of this  
34 section are immune from criminal or civil liability for such actions.

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**Sec. 2.** RCW 74.13.0321 and 1995 c 312 s 61 are each amended to read as follows:

No contract may provide reimbursement or compensation to:

(1) A (~~crisis residential center's~~) secure facility located in a juvenile detention for any service delivered or provided to a resident child after five consecutive days of residence; or

(2) A secure facility not located in a juvenile detention center or a semi-secure crisis residential center facility for any service delivered or provided to a resident child after fifteen consecutive days of residence.

**Sec. 3.** RCW 74.13.033 and 2000 c 162 s 16 are each amended to read as follows:

(1) If a resident of a crisis residential center becomes by his or her behavior disruptive to the facility's program, such resident may be immediately removed to a separate area within the facility and counseled on an individual basis until such time as the child regains his or her composure. The department may set rules and regulations establishing additional procedures for dealing with severely disruptive children on the premises.

(2) When the juvenile resides in this facility, all services deemed necessary to the juvenile's reentry to normal family life shall be made available to the juvenile as required by chapter 13.32A RCW. In assessing the child and providing these services, the facility staff shall:

- (a) Interview the juvenile as soon as possible;
- (b) Contact the juvenile's parents and arrange for a counseling interview with the juvenile and his or her parents as soon as possible;

1 (c) Conduct counseling interviews with the juvenile and his or her  
2 parents, to the end that resolution of the child/parent conflict is  
3 attained and the child is returned home as soon as possible;

4 (d) Provide additional crisis counseling as needed, to the end  
5 that placement of the child in the crisis residential center will be  
6 required for the shortest time possible, but not to exceed  
7 ~~((five))~~fifteen consecutive days; and

8 (e) Convene, when appropriate, a multidisciplinary team.

9 (3) Based on the assessments done under subsection (2) of this  
10 section the ~~((facility))~~ center staff may refer any child who, as the  
11 result of a mental or emotional disorder, or intoxication by alcohol  
12 or other drugs, is suicidal, seriously assaultive, or seriously  
13 destructive toward others, or otherwise similarly evidences an  
14 immediate need for emergency medical evaluation and possible care, for  
15 evaluation pursuant to chapter 71.34 RCW, to a mental health  
16 professional pursuant to chapter 71.05 RCW, or to a chemical  
17 dependency specialist pursuant to chapter 70.96A RCW whenever such  
18 action is deemed appropriate and consistent with law.

19 (4) A juvenile taking unauthorized leave from a facility shall be  
20 apprehended and returned to it by law enforcement officers or other  
21 persons designated as having this authority as provided in RCW  
22 13.32A.050. If returned to the facility after having taken  
23 unauthorized leave for a period of more than twenty-four hours a  
24 juvenile shall be supervised by such a facility for a period, pursuant  
25 to this chapter, which, unless where otherwise provided, may not  
26 exceed ~~((five))~~fifteen consecutive days ~~((on the premises))~~. Costs of  
27 housing juveniles admitted to crisis residential centers shall be  
28 assumed by the department for a period not to exceed ~~((five))~~ fifteen  
29 consecutive days.

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31 NEW SECTION. Sec. 4. A new section is added to chapter 13.32A RCW  
32 to read as follows:

33 The department may take a runaway youth to a secure facility after  
34 attempting to notify the parent of the child's whereabouts. The

1 department may not take a child to a secure facility if the department  
2 has reasonable cause to believe that the reason for the child's  
3 runaway status is the result of abuse or neglect.

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EFFECT: Extends the length of stay for youth in secure facilities  
not located in juvenile detention centers to 15 day while  
maintaining the length of stay for a youth in a secure facility  
located in a juvenile detention center at 5 days.

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